

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)
Act 175 of 1927

764.27 Arrest of child less than 17 years of age; procedure.

Sec. 27. Except as otherwise provided in section 606 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.606 of the Michigan Compiled Laws, or section 10a(1)(c) of Act No. 369 of the Public Acts of 1919, being section 725.10a of the Michigan Compiled Laws, if a child less than 17 years of age is arrested, with or without a warrant, the child shall be taken immediately before the family division of circuit court of the county where the offense is alleged to have been committed, and the officer making the arrest shall immediately make and file, or cause to be made and filed, a petition against the child as provided in chapter XIIA of Act No. 288 of the Public Acts of 1939, being sections 712A.1 to 712A.31 of the Michigan Compiled Laws. Except as otherwise provided in section 606 of Act No. 236 of the Public Acts of 1961 or section 10a(1)(c) of Act No. 369 of the Public Acts of 1919, if during the pendency of a criminal case against a child in a court in this state it is ascertained that the child is less than 17 years of age, the court shall immediately transfer the case, together with all papers connected with the case, to the family division of circuit court of the county where the offense is alleged to have been committed. If a child 14 years of age or older is charged with a felony, the judge of probate, after investigation and examination and upon motion of the prosecuting attorney, may waive jurisdiction under section 4 of chapter XIIA of Act No. 288 of the Public Acts of 1939, being section 712A.4 of the Michigan Compiled Laws. If jurisdiction is waived, the child may be tried in the court having general criminal jurisdiction of the offense. If during the pendency of a criminal case against a child in a court of record other than the family division of circuit court it is determined that the child is 17 years of age, the court, if the court finds that any of the conditions exist as outlined in section 2(d) of chapter XIIA of Act No. 288 of the Public Acts of 1939, as amended, being section 712A.2 of the Michigan Compiled Laws, upon motion of the prosecuting attorney, the child, or his or her representative, may transfer the case together with all papers connected with the case to the family division of circuit court of the county where the offense is alleged to have been committed.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17161;—Am. 1931, Act 309, Eff. Sept. 18, 1931;—CL 1948, 764.27;—Am. 1958, Act 212, Eff. Sept. 13, 1958;—Am. 1972, Act 44, Imd. Eff. Feb. 19, 1972;—Am. 1988, Act 67, Eff. Oct. 1, 1988;—Am. 1996, Act 255, Eff. Jan. 1, 1997;—Am. 1996, Act 418, Eff. Jan. 1, 1998.

Compiler's note: Section 3 of Act 67 of 1988 provides: "This amendatory act shall take effect June 1, 1988." This section was amended by Act 173 of 1988 to read as follows: "This amendatory act shall take effect October 1, 1988."

Former law: See section 6 of Act 6 of 1907 (Ex. Sess.); Act 308 of 1915; CL 1915, § 2016; and Act 105 of 1923.